

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER BORNEMAN, )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
                                )  
v.                             )      **Case No. CIV-09-187-R**  
                                )  
                                )  
TIMOTHY ROZIER, et al., )  
                                )  
                                )  
Defendants.                 )

**ORDER**

Before the Court are the Report and Recommendation of United States Magistrate Judge Bana Roberts entered April 24, 2009 [Doc. No. 16] and Plaintiff's "answer" to the Report and Recommendation [Doc. No. 17]. Plaintiff does not object to the Report and Recommendation but in fact agrees that count two should be "dropped." Accordingly, the Report and Recommendation of the Magistrate Judge is ADOPTED and count two of Plaintiff's Complaint is DISMISSED with prejudice. This matter is again referred to the Magistrate Judge for further proceedings consistent with the original referral order.

IT IS SO ORDERED this 6th day of May, 2009.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE